

Sworn Affidavit of Silvestre Rico Beltran

Silvestre Rico Beltran appeared in person before me today and stated under oath:

"My name is Silvestre Rico Beltran. I am above the age of eighteen years, and I am fully competent to make this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

I, Silvestre Rico Beltran, am a forty-two year old male. At the time of this incident, I weighed approximately 335 pounds and suffered from several heart related conditions. Approximately three weeks before the trip to the New York area, I had a "Coronary Stent System" implant procedure in Texas. I had been under the care of a cardiologist and was under a doctor's orders to ingest no less than five prescribed medications daily. Further, I was under doctor's orders to carry sublingual nitroglycerin pills in case of chest pain. I complied with my doctor's orders as prescribed until July 23, 2007.

On July 22, 2007, at approximately 5:30 p.m., Immigration and Customs Enforcement Agents (ICE) began surveillance, I was a passenger in a vehicle owned by Carlos Pena Ontiveros. Less than twelve hours later, ICE agents made a warrantless entry into a private dwelling where I was an overnight guest without my consent and over my objections and arrested me without a warrant.

My companion and I asserted our presence in the apartment as overnight guests. My companion and I repeatedly denied the warrantless entry by the federal agents. The federal agents continued their requests to enter without the consent of my companion and I by yelling and threatening. Finally, a female agent (name unknown) expressed her need to use the restroom in Spanish to us. Based upon this trickery, my companion unlocked and opened the front door. The warrantless entry at 516 Pugsley Avenue, Brooklyn, New

York, occurred at approximately 4:00 AM. ICE agents made their entry while brandishing automatic machine guns and other service weapons. ICE agent's show of authority, coupled with dark of night and unfamiliar surroundings created an atmosphere of fear and intimidation.

Between six and eight armed agents entered the apartment and began to search the residence. They yelled at us and questioned us about drugs. I was ordered to sit on a bed while agents searched the property. I was repeatedly questioned and intimidated by the federal agents.

I attempted to secure my heart medications as I began to experience shortness of breath and chest pain. Agents for the government denied me access to my properly prescribed medications and continued to intimidate and yell at me. I did not receive my medication for more than seven hours.

A short time after the warrantless entry, I was handcuffed and placed under arrest. I was questioned again after I asked for my lawyer. I repeatedly asserted my right to a lawyer by expressly asking for access to one. My unequivocal demand for a lawyer was repeated throughout my interrogation.

I was taken from the apartment and driven to another location. I was handcuffed and in the presence of federal agents throughout my movement in the vehicle. I was eventually transferred to another vehicle and taken to a fixed location where I was interrogated until I finally confessed some fifteen hours later. I repeatedly demanded for access to an attorney. I repeatedly asked for my medication. I repeatedly asked my interrogators for access to my family by telephone.

Agents for the government finally allowed me access to my prescribed medication approximately eight hours after my arrest. I continued to demand a lawyer and access to

a telephone. These requests were repeatedly denied.

In the late afternoon hours of July 23, 2007, I was forced to sign a "waiver of speedy presentment" by federal agents. The document was written in English. I do not read or write English. I was tricked into believing that if I signed the document, I would be set free within hours. Agents for the Government explained to me that they only needed more time and that my signature would provide it.

Despite my requests, federal agents continued to interrogate me and within three hours, I made an statement that was not voluntary.

Silvestre Rico Beltran
Silvestre Rico Beltran 12-31-07

STATE OF NEW YORK §

COUNTY OF _____ §

SIGNED under oath before me on this the 31 day of DECEMBER 2007.

Notary's Public Signature

x C.J.A. QF 12/31/07
ATTORNEY FOR SILVESTER RICO BELTRAN